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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ROSEN, NICHOLAS D	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/800,830	NOBORIMOTO ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 4-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 4-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1 and 4-16 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 6, 7, 8, and 9

Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel et al. (U.S. Patent 6,151,707) in view of Rogers et al. (U.S. Patent 6,018,719) and official notice. As per claim 1, Hecksel discloses an information processing apparatus, comprising: a customer data unit operable to receive a registration code identifying a purchased product and information relating to a purchaser

of the product that are inputted by the purchaser when the purchaser seeks to register the product, and discloses determining whether a customer identifier is associated with the product, and storing the purchaser information and the registration code in association with the customer identifier (column 4, line 43-59; column 7, lines 32-60; column 8, lines 45-64; Figure 2b; the data unit operable to receive being inherent from the data having been received) and obtaining a customer identifier when the customer identifier is not already associated with purchaser information (column 4, lines 43-59; column 5, lines 23-61). Hecksel does not expressly disclose determining whether the registration code is correct, but determining whether a number is correct is well known, as taught by Rogers (column 5, lines 9-67). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to determine whether the registration code was correct, for the obvious advantage of avoiding the many errors which could result from relying on information for the wrong product or the wrong customer.

Hecksel discloses receiving and storing purchaser responses to a first questionnaire that is available to the purchaser at a time when the purchaser provides the registration code and the purchaser information (column 1, lines 21-46, as prior art; column 4, lines 23-61, implying at least some questions; column 8, lines 45-64), and transmitting a second questionnaire to the purchaser at a predetermined time subsequent to the receipt and storage of the registration code and purchaser information (column 6, lines 14-46); Hecksel is not entirely explicit about storing purchaser responses to the second questionnaire, but this is held to be obvious in that it

would be absurd to gather the responses and then throw them all away; storing the responses would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the obvious advantages of learning how to improve the product, and/or sell it and other products more effectively.

Hecksel discloses determining whether to transmit an interview questionnaire and update survey questions to the purchaser based on at least part of the purchaser information and other information (column 6, lines 14-46; column 8, lines 45-64; column 9, lines 11-27), and combining results obtained from the purchaser to output data (column 8, lines 4-12; column 9, lines 17-27). Hecksel is not explicit about making the determination based also on responses obtained from other purchasers, but official notice is taken that it is well known to combine responses and output data (e.g., for marketing) based on combined responses from multiple purchasers or other persons surveyed. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to combine responses from other purchasers and output data based on the combined responses, for the obvious advantages of enabling a manufacturer or distributor to improve its products and/or marketing based on purchaser responses (if the data is output to the manufacturer or distributor); and for the obvious advantage of presenting suitable questions or statements to the purchaser, such as asking him whether he has experienced problems which other purchasers report, recommending that he buy additional products which other purchasers who have characteristics in common with him have bought, etc. (if the data is output to the purchaser).

As per claim 6, Hecksel discloses identifying a customer and accessing his files (column 9, lines 48-52), but does not expressly disclose a customer identifier providing unit operable to receive a request for the customer identifier from the customer data unit, and to provide the customer identifier to the data unit in response to the request, but official notice is taken that it is well known to receive a request for identification data and to provide such identification data. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the information processing apparatus comprise such a customer identifier providing unit, for the obvious advantage of making customer identifier data available to the customer data unit.

As per claim 7, Hecksel does not disclose a conversion unit operable to convert the stored purchaser information the stored purchaser information, purchaser responses, etc. into a format suitable for the questionnaire data processing unit, but official notice is taken that conversion units for converting data into a suitable format are well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the information processing apparatus comprise such a conversion unit, for the obvious advantage of converting data into a format in which it can be readily used.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel, Rogers, and official notice as applied to claim 1 above, and further in view of Jolissaint et al. (U.S. Patent 6,463,149) and Sweat ("Web Ties That Bind"). As per claim 8, Hecksel does not expressly disclose a call center terminal operable to receive a

subject of a customer inquiry together with the customer identifier, but Jolissaint teaches a call center terminal operable to receive a subject of a customer inquiry together with the customer identifier; a call center data unit operable to receive the customer identifier from the call center terminal to receive stored information about the customer, and to output the information to the call center terminal in response to the received customer identifier; and an answer collection unit operable to receive the customer inquiry and customer information from the call center terminal (or data unit) and to output the associated answer to the customer inquiry (column 1, line 50, through column 2, line 35; column 3, lines 28-47; column 6, line 48, through column 7, line 35). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include such call center apparatus, and to include the particular information recited, for the stated advantage of providing a call center agent with the information he needs to effectively assist a customer.

Sweat ("Web Ties That Bind") teaches determining whether answers associated with customer inquiries are recorded in an answer collection database, the determination being based on the subject of the customer inquiry (paragraph beginning, "Dell's call-center reps have even begun"). Hecksel does not disclose the answer collection database being further operable to increment an inquiry count for the associated answer, but official notice is taken that incrementing a count is well known. Sweat further implies the call center terminal being operable to display the associated answer (the three paragraphs beginning from, "If, for instance, a Carlson customer," and the three paragraphs following "Corporate Help Goes Online"), and in particular teaches

storing data, presumably including customer inquiries and associated answers, in a database (see especially the paragraph beginning, "Meanwhile, Pilot's York likes that Octane 99"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do these things, for the stated advantages of identifying customers' concerns and adding appropriate answers to the database, and making all appropriate information readily available to customer service agents; and for the obvious advantage of identifying customers' concerns which are being met, more or less, and discovering which answers are being called upon often.

Neither Hecksel, Jolissaint, nor Sweat expressly discloses storing the customer inquiry and the reply in association with the customer identifier, but official notice is taken that it is well known to store interactions with customers, appropriately identified. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the customer inquiry and the reply in association with the customer identifier, for the obvious advantages of better being able to serve that particular customer, e.g., by following up on reports of problems, or selling additional products in which the customer has expressed an interest; and of better serving other customers, e.g., by adding an inquiry to a FAQ list, correcting an unwanted feature of the product which has led to numerous questions and complaints, advertising to customers an additional product in which many have expressed an interest, etc.

As per claim 9, neither Hecksel nor Jolissaint expressly discloses receiving the stored customer inquiry and the stored associated answer from the call center data unit (although Sweat teaches that even chat conversations get posted as incidents, and these would often involve customer inquires and associated answers, paragraph beginning, "Meanwhile, Pilot's York likes that Octane 99"), and to combine information based on the customer inquiry and reply with other information based on other customer inquires and replies, and to output data based on the combined information, but official notice is taken that it is well known to combine responses and output data (e.g., for marketing) based on combined responses from multiple customers or other persons surveyed. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to combine information based the customer's inquiry and the reply with similar data from other customers, for the obvious advantages of enabling a manufacturer or distributor to improve its products and/or marketing based on customer inquiries (if the data is output to the manufacturer or distributor); and for the obvious advantage of presenting suitable questions or statements to the purchaser, such as asking him whether he has experienced problems which other purchasers report, recommending that he buy additional products which other purchasers who have characteristics in common with him have bought, etc.

Claims 4, 10, 11, and 12

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel et al. (U.S. Patent 6,151,707) in view of Rogers et al. (U.S. Patent 6,018,719)

and official notice. As per claim 4, claim 4 is essentially parallel to claim 1, and rejected on the same grounds.

As per claim 10, claim 10 is essentially parallel to claim 7, and rejected on the same grounds.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel, Rogers, and official notice as applied to claim 4 above, and further in view of Jolissaint et al. (U.S. Patent 6,463,149) and Sweat ("Web Ties That Bind"). Claims 11 and 12 are largely parallel to claims 8 and 9, respectively, except that claims 11 and 12 are broader. Claims 11 and 12 are therefore rejected on essentially the same grounds set forth above in rejecting claims 8 and 9, respectively.

Claims 5, 13, 14, and 15

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel et al. (U.S. Patent 6,151,707) in view of Rogers et al. (U.S. Patent 6,018,719) and official notice. As per claim 5, claim 5 is essentially parallel to claim 1, and rejected on the same grounds.

As per claim 13, claim 13 is essentially parallel to claim 7, and rejected on the same grounds.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel, Rogers, and official notice as applied to claim 5 above, and further in view of Jolissaint et al. (U.S. Patent 6,463,149) and Sweat ("Web Ties That Bind"). Claims 14 and 15 are parallel to claims 11 and 12, respectively, and rejected on the same grounds.

Claim 16

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel et al. (U.S. Patent 6,151,707) in view of Rogers et al. (U.S. Patent 6,018,719) and official notice. Claim 16 largely corresponds to claim 1, and is found obvious on the same grounds. Additionally, Hecksel does not expressly disclose a terminal operable to display a menu that permits a purchaser to select between registering a purchased product and responding to a first questionnaire, to display one or more screens suitable for obtaining a registration code identifying the purchased product and information relating to the purchaser of the product when the purchaser selects registering the purchased product, and to display one or more screens suitable for obtaining responses to the first questionnaire when the customer selects responding to the first questionnaire. However, official notice is taken that it is well know for people to use computer terminals operable to display menus and screens; as Hecksel discloses receiving questionnaires and entering data by computer, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have customers use terminals operable to display appropriate menus and screens, for the obvious advantage of enabling Hecksel's disclosed procedures to be readily carried out.

Response to Arguments

Applicant's arguments filed July 27, 2006 have been fully considered but they are not persuasive. Applicant continues to maintain that Hecksel teaches away from having the user enter registration information, etc., relying on column 1, lines 26-46 of

Hecksel's patent. Examiner replied in the previous Office Action, that this is Hecksel's description of the prior art, over which his own invention is offered as an improvement, and therefore does not qualify as teaching away. Examiner argued that Hecksel in fact teaches (column 2, lines 7-16; column 4, lines 5-30 and 43-59; column 7, lines 32-60; column 8, lines 45-64) those features which Applicant took Hecksel as teaching away from. Applicant now argues that Hecksel's description of the problems and deficiencies associated with user entry of registration data nevertheless teaches away from the user entry of such information, and that Hecksel's offering of an invention that addresses these problems and deficiencies further supports this teaching away.

Examiner remains unpersuaded, and boggles at the consequences if the position which Applicant now advances were accepted as a precedent by the Patent Office. One might, for example, imagine some new applicant seeking a patent on an electric light bulb distinguished by a filament which would reliably last more than a few minutes. If Thomas Edison's light bulb patent were cited as prior art, the hypothetical new applicant could argue that the background of Edison's invention was a world where electric light bulbs existed as laboratory curiosities, but were impractical due to the short life span of filaments, and that Edison's offering of an invention that addressed this problem constituted teaching away from "prior art" light bulbs having long-lasting filaments. The key distinction is whether "prior art" should be taken as meaning "prior to Edison's invention" or "prior to the hypothetical new applicant's invention."

Applicant's arguments regarding the failure of Jolissaint to teach the new limitations of claims 8 and 9, and parallel claims 11, 12, 14, and 15, are mooted by Examiner's use of the teaching of Sweat to teach the claimed limitations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki et al. (U.S. Patent 5,890,139) disclose an answering method and system in online shopping.

Teresko ("Electronic 'Keiretsu'") discloses uses of groupware, including the Cyrix Corporation's use of groupware for customer support.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

October 4, 2006